

IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF ILLINOIS

## ORDER REGARDING MOTION TO REDUCE SENTENCE

REAGAN, District Judge:

Following entry of a guilty plea by Defendant Graham in the above-captioned case, the Honorable Paul E. Riley sentenced Graham on June 13, 1997. The sentence included a 70-month term of imprisonment followed by four years of supervised release. Judgment was entered accordingly on June 16, 1997.

Though it is not entirely clear from the docket sheet, it appears that on September 12, 2002, in a case before the Eastern District of Missouri, the Honorable Jean C. Hamilton sentenced Graham to a 21-month sentence followed by three years supervised release on a different charge (see Doc. 25). Jurisdiction over supervised release was transferred to the Southern District of Illinois on April 8, 2004, and the undersigned Judge was assigned to the case.

In each case, the Government moved to revoke supervised release on August 9, 2006. After a hearing, the Court revoked Graham's supervised release on January 12,

2007.

On February 22, 2008, Defendant Graham moved this Court for appointment of counsel. Specifically, Defendant Graham suggests that he may be eligible for a sentence reduction under recently amended United States Sentencing Guidelines.

The Court **GRANTS** Graham's motion (Doc. 46) as follows.

On December 19, 2007, Chief Judge Herndon issued an Administrative Order addressing certain recent amendments to the Guidelines. Administrative Order 102 explains that this Court cannot act on any petitions to reduce sentence until after the March 3, 2008 effective date imposed by the Sentencing Commission. Administrative Order 102 further provides:

- (a) any motions to reduce sentence filed *before* March 3, 2008 shall be stayed until March 3, 2008;
- (b) the Federal Public Defender's Office of the Southern District of Illinois "is hereby designated to represent each defendant" who files a motion to reduce sentence; and
- (c) the U.S. Attorney's Office need not file any response to a motion to reduce sentence until March 10, 2008. *Id.*

Administrative Order 102 is **INCORPORATED BY REFERENCE** herein and expressly declared applicable to this case. Accordingly, the Office of the Federal Public Defender shall represent Defendant Graham herein. This Order in no way indicates that a motion to reduce sentence under 18 U.S.C. § 3582(c)(2) has merit or would be granted. Finally, if Defendant Graham does file a motion to reduce sentence, the undersigned District Judge may set a briefing schedule with deadlines in addition to (and/or

extending) the March 10, 2008 response date referenced in Administrative Order 102.

IT IS SO ORDERED.

DATED this 27<sup>th</sup> day of February 2008.

s/Michael J. Reagan  
MICHAEL J. REAGAN  
United States District Judge